

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:17-cv-80-MHT
	)	
\$603,752.76 SEIZED FROM STERLING	)	
ACCOUNT NUMBER xxx0558 IN THE	)	
NAME OF CLOVERLAND DRUG,	)	
INC., et al.,	)	
	)	
Defendants.	)	

JOINT REPORT OF PARTIES' PLANNING MEETING

Comes now the United States of America (United States), by and through Louis V. Franklin, Sr., United States Attorney, Middle District of Alabama, and R. Randolph Neeley, Assistant United States Attorney, and states as follows:

1. On June 9, 2020, this Court ordered the parties to confer and file a Report of Parties Planning meeting on or before June 30, 2020. (*Doc. #71*). On June 23, 2020, R. Randolph Neeley (for the United States), J. Doyle Fuller (for Claimants David Saalwaechter, Teresa Saalwaechter, and Cloverland Drugs, Inc.), and Gregory Louis Davis (for Claimants Rhyolite Investments, LLC, CJE Enterprises, LLC, Carl Edmiston, and Barbara Edmiston) conferred and now submit this Joint Report of Parties' Planning Meeting.

2. Rule 26(a)(1)(B) of the Federal Rules of Civil Procedure (FRCP) exempts forfeiture actions "*in rem* arising from a federal statute" from certain portions of said Rule. See FRCP 26(a)(1)(B)(ii). This exemption applies to initial disclosures under FRCP 26(a)(1). The instant proceeding is a forfeiture action *in rem* arising from a federal statute.

3. Discovery.

Discovery will be needed on the following subjects:

- a) Circumstances surrounding the alleged use and involvement of the Defendants in violation of 18 U.S.C. § 1341 (mail fraud), § 1343 (wire fraud), § 1347 (health care fraud), § 1956 and 1957(a) (money laundering), and 42 U.S.C. § 1320a-7(b) (federal antikickback statute);
- b) The claims and defenses raised by the parties in their pleadings.

The parties propose the following discovery plan:

- a) All discovery commenced in time to be completed by March 15, 2021;
- b) Maximum of 25 interrogatories by each party to any other party;
- c) Maximum of 25 requests for production by each party to any other party;
- d) Maximum of 25 requests for admissions by each party to any other party;
- e) Maximum of 10 depositions for each party, unless otherwise agreed by the parties;
- f) Each deposition is limited to maximum of three hours, unless extended by agreement of the parties;
- g) Reports from retained experts under Rule 26(a)(2) are due:
  - From Plaintiff by February 12, 2021.
  - From Claimant by March 15, 2021.

4. Other Items.

The parties do not request a conference with the Court before entry of the Scheduling Order.

The parties should be allowed until August 10, 2020 to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by May 1, 2021.

The United States requests a pretrial conference on or about August 9, 2021.

Settlement cannot be evaluated prior to receipt of discovery and/or filing of dispositive motions and responses thereto.

Final lists of witnesses under Rule 26(a)(3) shall be due from the parties on August 3, 2021. Final lists of exhibits under Rule 26(a)(3) shall be due August 3, 2021. Deposition designations under Rule 26(a)(3) shall be due August 3, 2021.

Parties shall have until August 20, 2021, to file objections to the witnesses, exhibits, or deposition designations under Rule 26(a)(3).

The case will be ready for trial by September 13, 2021, and at this time is expected to take approximately two days to try.

In compliance with CM/ECF Civil Administrative Procedure II.C.3., the parties hereby certify that they have agreed to have their names electronically signed to this Joint Report.

Respectfully submitted on this 23<sup>rd</sup> day of June, 2020.

LOUIS V. FRANKLIN, SR.  
UNITED STATES ATTORNEY

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On behalf of Claimants RHYOLITE  
INVESTMEMTS, LLC; CJE  
ENTERPRISES, LLC; CARL EDMISTON;  
and BARBARA EDMISTON

**/s/J. Doyle Fuller**  
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On behalf of Claimants DAVID  
SAALWAECHTER; TERESA  
SAALWAECHTER; and CLOVERLAND  
DRUGS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

**/s/R. Randolph Neeley**  
R. RANDOLPH NEELEY  
Assistant United States Attorney